

Lynch

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re REFCO, INC. SECURITIES
LITIGATION

07 MDL No. 1902 (GEL)

GEORGE L. MILLER, Chapter 7 Trustee
for the Estate of Suffolk LLC,

Plaintiff,

v.

CSFB,
LAB MORGAN CORPORATION,
ML IBK POSITIONS, INC.,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/5/09

Index No. 09 Civ. 2885 (GEL)
Index No. 09 Civ. 2920 (GEL)
Index No. 09 Civ. 2922 (GEL)

STIPULATION AND ORDER

WHEREAS, Plaintiff filed complaints in the above-caption actions (the "Actions") on
March 12, 2009;

WHEREAS, the Court accepted the Actions as "related" and "consolidated" actions as
part of the Refco MDL, captioned *In re: Refco, Inc. Securities Litigation*, 07-MD-1902 (GEL)
("Refco MDL");

WHEREAS, a confidentiality order dated February 8, 2008 (the "Confidentiality Order")
has been approved by the Court and is in effect in the Refco MDL;

WHEREAS, Paragraph 20 of the Confidentiality Order provides that "[i]n the event that
counsel for any party or non-party determines to file in or submit to this Court any Confidential
Discovery Materials, information derived therefrom, or any papers containing or making

reference to such information, the pages containing such Confidential Discovery Materials shall be filed only . . . [under seal]" (Confidentiality Order ¶ 20);

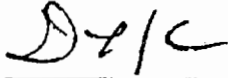
WHEREAS, the Court entered an order permitting Defendants Credit Suisse First Boston Next Fund, Inc., Lab Morgan Corporation, and ML IBK Positions, Inc. ("Defendants") up to and including June 8, 2009 to respond to the complaints;

IT IS HEREBY STIPULATED AND AGREED, by and between the attorneys for the undersigned parties to these Actions, as follows:

1. Plaintiff hereby agrees to be a party to the Confidentiality Order and is permitted all rights provided thereunder;
2. The Actions are deemed "Related Actions" for purposes of the Confidentiality Order;
3. Defendants shall be permitted to file a single brief up to and including fifty (50) pages in support of their motions to dismiss the complaints in the Actions;
4. In connection with their motions to dismiss, and pursuant to Paragraph 20 of the Confidentiality Order, Defendants shall file an unredacted memorandum of law and supporting papers under seal with the Court. Defendants shall serve Plaintiff with unredacted versions of such documents. Defendants shall file redacted versions of such documents with the Court to the extent necessary to ensure compliance with the Confidentiality Order.

Dated: New York, New York
June 4, 2009

CIARDI CIARDI & ASTIN



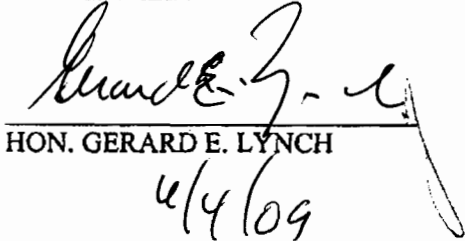
Dimitri L. Karapelou
One Commerce Square
2005 Market Street, Suite 1930
Philadelphia, PA 19103
Telephone: (215) 557-3550
Facsimile: (215) 557-3551
dkarapelou@ciardilaw.com

and

Albert A. Ciardi, III
Shannon D. Leight
Joseph V. Bongiorno
Ciardi Ciardi & Astin, P.C.
One Commerce Square
2005 Market Street, Suite 1930
Philadelphia, PA 19103
Telephone: (215) 557-3550
Facsimile: (215) 557-3551
aciardi@ciardilaw.com
sleight@ciardilaw.com
jbongiorno@ciardilaw.com

*Counsel for Plaintiff George L. Miller,
Chapter 7 Trustee for Suffolk, LLC*

SO ORDERED:



HON. GERARD E. LYNCH
6/4/09

**WILMER CUTLER PICKERING
HALE AND DORR LLP**



Robert B. McCaw
Philip D. Anker
Joel W. Millar
Ross E. Firsenbaum
399 Park Avenue
New York, New York 10022
Telephone: (212) 230-8800
Facsimile: (212) 230-8888
Robert.McCaw@wilmerhale.com
Philip.Anker@wilmerhale.com
Joel.Millar@wilmerhale.com
Ross.Firsenbaum@wilmerhale.com

*Counsel for Defendants Credit Suisse First
Boston Next Fund, Inc.; Lab Morgan
Corporation; and ML IBK Positions, Inc.*